

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SUTHERLIN,

Plaintiff,

Case No. 1:07-cv-667

v

HON. JANET T. NEFF

EDWARD OLIVER, et al.,

Defendants.

JUDGMENT

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment on the grounds that Plaintiff failed to present sufficient evidence and Defendants are entitled to qualified immunity. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court grant Defendants' motion. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation. Plaintiff has since filed Motions for Appointment of Counsel (Dkts 59 & 61) and to Enter Exhibits (Dkt 65).

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections.

Plaintiff's lengthy objections demonstrate his disagreement with the Magistrate Judge's conclusions, but Plaintiff's analysis does not reveal any error by the Magistrate Judge. The Court therefore denies the objections.

For these reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997).

THEREFORE, IT IS ORDERED that the Objections (Dkts 57 & 58) are DENIED and the Report and Recommendation (Dkt 56) is APPROVED and ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (Dkt 34) is GRANTED and Plaintiff's Cross Motion for Summary Judgment (Dkt 43) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motions for Appointment of Counsel (Dkts 59 & 61) and to Enter Exhibits (Dkt 65) are DENIED as moot.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C. § 1915(a) that an appeal of the Judgment would not be taken in good faith.

Date: September 30, 2008

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge